

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LEDA RANDALL-SCOTT
Plaintiff,

VS.

ALLEGIANCE CRANE & EQUIPMENT, LLC
Defendants,

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CIVIL ACTION NO. _____
JURY

PLAINTIFF LEDA RANDAL-SCOTT'S ORIGINAL COMPLAINT

COMES NOW, LEDA RANDALL-SCOTT, PLAINTIFF, complaining of ALLEGIANCE CRANE & EQUIPMENT, LLC, (hereinafter referred to as "DEFENDANT") and for cause of action would show the Court as follows:

**I.
INTRODUCTION**

1. This lawsuit is brought and jurisdiction lies pursuant to §706 of Title VII of the Civil Rights Act of 1964, as amended, 2 U.S.C. §2000.
2. All conditions precedent to jurisdiction under §706 of Title VII, 42 U.S.C. § 2000e-5(f)(3), have occurred or been complied with:
 - (a) A charge of employment discrimination on the basis of disability was filed with the Equal Employment Opportunity Commission (hereinafter referred to as "EEOC") within 180 days of the commission of the unlawful employment practices alleged herein.
 - (b) A Right to Sue notice was received from the EEOC on April 8, 2013.
 - (c) This complaint has been filed within 90 days of receipt of the EEOC's Right to Sue notice.

3. LEDA RANDALL-SCOTT is a resident of Houston, Texas.
4. DEFENDANT, ALLEGIANCE CRANE & EQUIPMENT, LLC, is a validly existing Delaware corporation located in Southlake, Texas. DEFENDANT may be served through its registered agent, Capitol Corporate Services, Inc. in Austin, Texas or wherever they may be found.
5. This claim seeks restitution to PLAINTIFF of all rights, privileges, benefits, and income that the PLAINTIFF would not have had but for DEFENDANT'S unlawful discriminatory practices.
6. This action further seeks compensatory damages for the harm done to PLAINTIFF.
7. All the discriminatory employment practices alleged herein, were committed within the state of Texas.

II.

STATEMENT OF FACTS

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

8. PLAINTIFF was employed as a DOT Compliance Officer from or about November 8, 2012, to August 29, 2011 at DEFENDANT'S facility which is located in Houston, Texas.
9. PLAINTIFF at all times, more than adequately, performed her duties.
10. PLAINTIFF, along with 5 other women, were employed at the Houston location.
11. Starting in February, PLAINTIFF was subjected to derogator, and degrading comments by Ray Bellamy, the general manager.
12. On one occasion, James Graham, another employee, came into Plaintiff's office, pulled out his penis, and claimed to make a hamburger with his penis and balls.
13. PLAINTIFF was subjected to sexual jokes by both managers, Ray Bellamy and Mike Brewster on a daily basis, even after she had told them multiple times to stop.

14. PLAINTIFF was subjected to the President, James Robertson, indicating that he was getting blowjobs from another male employee, under his desk, on more than one occasion.
15. Ray Bellamy claimed that PLAINTIFF was a women and she did not know what she was doing at her job.
16. Ray Bellamy further claimed, on several occasions that PLAINTIFF looked like something out of the *The Beverly Hillbillies* show.
17. An atmosphere of offensive sexual language was prevalent among the senior male employees at the office, even though the females complained.
18. PLAINTIFF reported the above sexual harassment on several occasions to Jenny Guzman and Christina Gencarrai in Human Resources, and nothing has changed.
19. PLAINTIFF was involuntary terminated on or about August 29, 2011 after reporting to Human Resources about the hostile work environment she was working in.

III. FIRST CAUSE OF ACTION

20. PLAINTIFF continues to re-allege each and every allegation contained in paragraphs 1-19 of this Complaint with the same force and effect as if set forth herein.
21. DEFENDANT discriminated against PLAINTIFF in the form of sexual harassment on the basis of her sex, in violation of Title VII.
22. PLAINTIFF is now suffering, and will continue to suffer, irreparable injury and monetary damages, as a result of DEFENDANT'S discriminatory practices, unless and until this Court grants relief.

23. DEFENDANT'S discriminatory conduct as to PLAINTIFF was done with malice and reckless indifference, to the federally protected rights of PLAINTIFF.
24. As a direct and proximate result of DEFENDANT'S discrimination, PLAINTIFF has been deprived of economic benefits, including, but not limited to, lost fringe benefits, loss of job opportunities (promotion) and/or loss wages and benefits.
25. DEFENDANT'S termination of employment regarding PLAINTIFF has caused, continues to cause, and will cause the PLAINTIFF to suffer substantial damages for future pecuniary losses, mental anguish, loss of enjoyment to life, and other non-pecuniary losses.

**IV.
SECOND CAUSE OF ACTION**

26. PLAINTIFF continues to reallege each and every allegation contained in paragraphs 1-19 of this Complaints with the same force and effect as if set forth herein.
27. DEFENDANT has retaliated against PLAINTIFF, by involuntary terminating her employment after she complained to Human Resources about the harassment.

**V.
PRAYER FOR RELIEF**

LEDA RANDALL-SCOTT respectfully prays the Court to grant the following relief:

- (1) Declaring that the acts and practices complained of herein are in violation Title VII.
- (2) Enjoin DEFENDANT from any further prohibited discrimination against PLAINTIFF.
- (3) Order that PLAINTIFF be awarded the back pay she would have earned, together with related monetary benefits and interest thereon, from August 29, 2011.
- (4) Award PLAINTIFF compensatory damages in amount to be determined at trial of this matter.
- (5) Award PLAINTIFF punitive damages in an amount to be determined at trial of this matter.

- (6) Award PLAINTIFF her attorney fees, including legal expenses, and costs pursuant to Section 505 of the ADA, 42 U.S.C. § 12205.
- (7) Grant such other and further relief as may be just and proper. PLAINTIFF demands trial by jury.

Respectfully submitted,

s/ PHILIP J. ORTH, III

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